



INTERNATIONAL SECRETARIAT
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**URGENT
ACTION**

EXTERNAL (for general distribution)

AI Index: ASA 21/17/92
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Legal concern/Fear of torture

23 November 1992

INDONESIA/EAST TIMOR

Xanana Gusmão, 45

Rufina Conceição Araujo (female), 74
Augusto Pereira, 43) husband and
Aliança de Araujo (female), 40) wife
Ligia de Araujo (female), 22
Jorge Manuel Araujo Serrano, 21
Regina Conceição Araujo Serrano (female), 18
Francisco Almeida Araujo, 17

Xanana Gusmão, leader of East Timor's independence movement, the Conselho Nacional de Resistência Maubere (National Council of Maubere Resistance), was arrested by Indonesian military forces at 6am on 20 November 1992 in Dili, East Timor. Xanana Gusmão is currently being held in incommunicado detention and there are fears that he may be subjected to torture or ill-treatment by the Indonesian security forces.

Seven members of the Araujo family, including a 74-year-old woman, Rufina Conceição Araujo, were reportedly arrested along with Xanana Gusmão, who was at the Araujo family residence when the arrests took place. The whereabouts of the seven have not been clarified by the authorities and Amnesty International fears that they too may be in danger of torture or ill-treatment.

Unconfirmed reports have indicated that Xanana Gusmão has been transferred from Dili to Jakarta or Bali, but there has been no official announcement of his place of detention. Government sources have said that he is "undergoing intensive questioning" or military interrogation and, on 22 November, rejected Amnesty International's calls for the International Committee of the Red Cross (ICRC) to be allowed immediate access to Xanana Gusmão. A military spokesman stated that the captured political leader was being treated well but that "for the time being" nobody would be allowed to see him. The spokesman also said that Xanana Gusmão would eventually be brought to trial, but the exact charges against him remain unknown.

Amnesty International has documented a consistent pattern of torture and ill-treatment of East Timorese political detainees while under interrogation; under such circumstances, assurances by military officials cannot be accepted as sufficient guarantee of the safety of those detained. Xanana's position as commander of the armed resistance, Falintil, makes him particularly vulnerable to intimidation or torture as the Indonesian military authorities may wish to extract political and military intelligence about the independence movement in East Timor. The authorities' refusal to allow ICRC representatives and independent lawyers to visit Xanana Gusmão increases fears for his safety.

Amnesty International is seeking immediate guarantees from the Indonesian authorities that Xanana Gusmão is being treated humanely while in detention; that ICRC representatives will be granted immediate and unconditional access to him; and that he will be accompanied by lawyers of his own choice while being interrogated, as required by Indonesian law. Amnesty International is also urging the government to clarify the whereabouts of members of the Araujo family, to guarantee their safety and to release them all immediately if detained solely for their peaceful political views or activities.

BACKGROUND INFORMATION

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory,

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience*. It works for *fair and prompt trials* for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of all prisoners.

including extrajudicial execution, torture and ill-treatment, "disappearance" and political imprisonment.

In November 1991 more than 100 people were killed, and many others "disappeared", after Indonesian soldiers opened fire on a peaceful procession at the Santa Cruz cemetery in Dili. The human rights situation has not improved in the year since the massacre. Prior to the anniversary of the Santa Cruz massacre in November 1992, hundreds of real and suspected opponents of Indonesian rule in East Timor were reportedly arrested by Indonesian security forces.

The United Nations has not recognized Indonesia's sovereignty over East Timor. Talks between Indonesia and Portugal concerning the political future of the territory are scheduled to resume on 17 December 1992 under the auspices of the UN Secretary-General. It is not yet clear whether East Timorese representatives will eventually participate in the talks. East Timorese have urged that Xanana Gusmão will be permitted to leave the country in order to represent East Timor in these talks and in other international discussions about the future of the territory.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:

- expressing concern for the safety of Xanana Gusmão and seven members of the Araujo family, arrested in Dili, East Timor, on 20 November 1992;
- seeking guarantees that all will be treated humanely while in detention;
- urging that representatives of the International Committee for the Red Cross (ICRC) be granted immediate and unconditional access to their place of detention;
- seeking assurances that all the detainees will be accompanied by a lawyer of their own choice while being interrogated, as required by Indonesian law;
- urging the government to release immediately and unconditionally all those detained solely for their peaceful political views or activities.

APPEALS TO

1) General Try Sutrisno
Commander of the Armed Forces
Markas Besar ABRI
Cilangkap, East Jakarta
Indonesia

Telegrams: Gen Sutrisno, Markas Besar
Abri, Jakarta, Indonesia

Faxes: + 62 2136 1471 (Armed Forces HQ);
+ 62 21 37 8144 (Army HQ);
+ 62 21 35 6404

Salutation: Dear General Try

3) Brig Gen Theo Syafei
Markas Besar KOREM 164
Dili
East Timor

Telegrams: Brig Gen Syafei, Dili, East
Timor

Salutation: Dear Brig Gen Syafei

2) Ali Alatas
Minister of Foreign Affairs
Kementerian Luar Negeri
Jl. Taman Pejambon 6
Jakarta
Indonesia

Telegrams: Minister of Foreign Affairs
Alatas, Jakarta, Indonesia

Faxes: + 62 2136 7781; + 62 2136 7782

Salutation: Dear Minister Alatas

4) Maj. Gen. H.B.L. Mantiri
Markas Besar KODAM IX
Udayana
Denpasar, Bali
Indonesia

Telegrams: Maj Gen Mantiri, Udayana, Bali,
Indonesia

Salutation: Dear Maj. Gen. Mantiri

COPIES OF YOUR APPEALS TO:

Indonesian Legal Aid Foundation
JL. Diponegoro 74
Jakarta 10320
Indonesia

and to diplomatic representatives of Indonesia accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 January 1993.

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

- Copies of appeals should be sent to relevant diplomatic representatives in your country.

- In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

- Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.